

State of Washington  
REPORT OF EXAMINATION  
FOR WATER RIGHT APPLICATION

PRIORITY DATE  
10/16/2015

WATER RIGHT NUMBER  
G3-30746

MAILING ADDRESS  
Town of Creston  
100 Creston Avenue  
Creston, WA 99117

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal

WITHDRAWAL OR DIVERSION RATE  
200

UNITS  
GPM

ANNUAL QUANTITY (AF/YR)  
0

Purpose

PURPOSE	WITHDRAWAL RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Municipal Water Supply Purposes	200		GPM	0		01/01 - 12/31

ADDITIVE	IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
	NON-ADDITIVE		WATER SYSTEM ID	CONNECTIONS
			16150	185

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
LINCOLN	GROUNDWATER		43-UPPER CRAB-WILSON

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
South Well	0209000000000	AFA203	26 N.	34 E.	15	SE¼NW¼	47.751448	118.519758
North Well	0207999001150	ABR210	26 N.	34 E.	10	NE¼SW¼	47.764463	118.520334

Datum: NAD83/WGS84

## Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

### LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Area served by the Town of Creston. The place of use (POU) of this water right is the Area Served by the Town of Creston described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

## Proposed Works

2 wells and municipal water distribution system

## Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	Complete	5-1-2017

## Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

## Provisions

### Wells, Well Logs and Well Construction Standards

All wells constructed in the state must meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard must be decommissioned.

All wells must be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag must remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

### Measurements, Monitoring, Metering and Reporting

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

**Water Use Efficiency**

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

**Proof of Appropriation**

The water right holder must file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, contracting with a Certified Water Rights Examiner (CWRE) to confirm the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

**Schedule and Inspections**

Department of Ecology personnel, upon presentation of proper credentials, will have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

**Findings of Facts**

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G3-30746, subject to existing rights and the provisions specified above.

**Your Right To Appeal**

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 22nd day of March, 2016.

  
 Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

## BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G3-30746.

### Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Odessa Record on November 5 and 12, 2015 and no protests were received.

### *State Environmental Policy Act (SEPA)*

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;

- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

## Investigation

The water right application request 200 gallons per minute and no additional annual quantity. The current pumping capacity of the Town's wells would require the additional 200 gallons per minute if both wells were pumping at peak capacity.

### Town of Creston Water Rights:

Water Right Documents

NUMBER	PRIORITY	SOURCE	GPM	Primary Qa	PURPOSE
543-D	9-1-1942	a well	50	10	Municipal
544-D	1923	a well	40	1	Municipal
G3-26677	9-25-80	a well	650	448	Municipal
Total			740	459	
G3-30746	10-16-2015	2 wells	200	0	Municipal
TOTAL			940	459	Municipal

Applications for change have been filed on the existing certificate to add wells to the water rights. These applications for change have been recommended for approval. All of the rights will list the 2 current wells.

In addition to the above listed documents, the Town of Creston filed two (2) water right claims with the Department of Ecology for municipal water supply. The following claims were filed in 1973: 033464 and 028937. These claims appear to have been filed to protect the rights, which the Town had already obtained under the above issued state ground water declarations. Water right claims are statements that a vested right may exist. To be considered a valid vested right, the water use must have begun prior to 1917 for surface water and prior to 1945 for ground water. It appears that the claims may represent valid vested water rights based on the date of first use, and memorialize the existing state issued rights. These claims are not recognized as being "in addition to" the above referenced certificates held by the Town. Until such time as an adjudication of these claims is completed, they will remain on file with the Department of Ecology.

The intent of the Claims Registration Act, Chapter 90.14 RCW, was to document those uses of surface water in existence prior to the adoption of the State Surface Water Code, Chapter 90.03 RCW, which was adopted in 1917, and those uses of ground water in existence prior to the adoption of the State Ground Water Code, Chapter 90.44 RCW, which was adopted in 1945. Since each code(s) adoption, the only means of acquiring a water right within the state is by filing for, and receiving, a permit from the Department of Ecology or one of its predecessors or by establishing a right under the "domestic exemption" under the ground water code (RCW 90.44.050). The Department of Ecology recognizes that the final determination of the validity and extent associated with a claim registered in accordance with

RCW 90.14 ultimately lies with the Superior Court through the general adjudication process provided for by Sections 90.03.110 through 90.03.240 RCW.

### Quantities Proposed

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Discussions with the consultant for the applicant determined 200 gallons per minute, 0 acre-feet per year would be sufficient for the current peaking capacity for the water system.

Total water use allowed would be 940 gallons per minute, 459 acre-feet per year under all rights.

### Water Availability

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This application does not request an increase in annual quantity. The increase in instantaneous rate will only be needed if both wells are operating at the same time at peak capacity.

As such, water is available for the new appropriation.

The two existing wells involved in this application are as follows:

The "North Well", in Section 10, T. 26 N., R. 34 E. W. M., is 8 inches in diameter and 766 feet deep. It was constructed in 1981, at which time it had a static water level 116 feet below ground surface. It produces water from basalt formations, and bottoms in granitic basement rock.

The "South Well", in Section 15, T. 26 N., R. 34 E. W. M., is 8 inches in diameter and at least 455 feet deep. It was constructed in 1947, its static water level was 216 feet below ground surface. Notations on water system plans indicate this well may have been deepened, but no log exists. Nearby wells and surface geologic mapping indicate this well produces water from basalt formations.

Basalt aquifers are part of a large ground water reservoir occurring in a thick series of basalt flows known as the Columbia River Basalt Group. The thickness of this series of flows varies from a few hundred feet at the Spokane River to over 10,000 feet in the Pasco Basin. The wells associated with this application are all producing water from the same aquifer system.

The instantaneous amount of water requested will not increase or expand the existing annual quantities authorized for the Town.

### Impairment Considerations

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"Impair" or "impairment" means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule (POL-1200); and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

The proposed new appropriation is for peaking capacity of the water system and it is likely not needed the majority of the time. Since the new appropriation is not requesting an annual volume, no additional annual volume is authorized under this application. There should be no impairment to existing water rights subject to this authorization.

### Beneficial Use

The proposed use of water is defined in statute as a beneficial use (RCW 90.54.020(1)).

### Public Interest Considerations

The new appropriation for an increase in instantaneous rate will not be contrary to the public interest.

### Conclusions

In conclusion, Ecology may only approve water right applications if there is water available, the water will be put to a beneficial use, it will not impair existing rights, and it will not be detrimental to the public interest (RCW 90.03.290). Based on my investigation of this permit application, I conclude the following.

- The proposed use is beneficial.
- Water is physically and legally available for appropriation.
- Exercise of this water right is not detrimental to the public interest.
- Exercise of this water right will not impair existing rights or the public interest.

## Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

200 gallons per minute

0 acre-feet per year

Municipal Water Supply Purposes

### Points of Withdrawal

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQQ	LATITUDE	LONGITUDE
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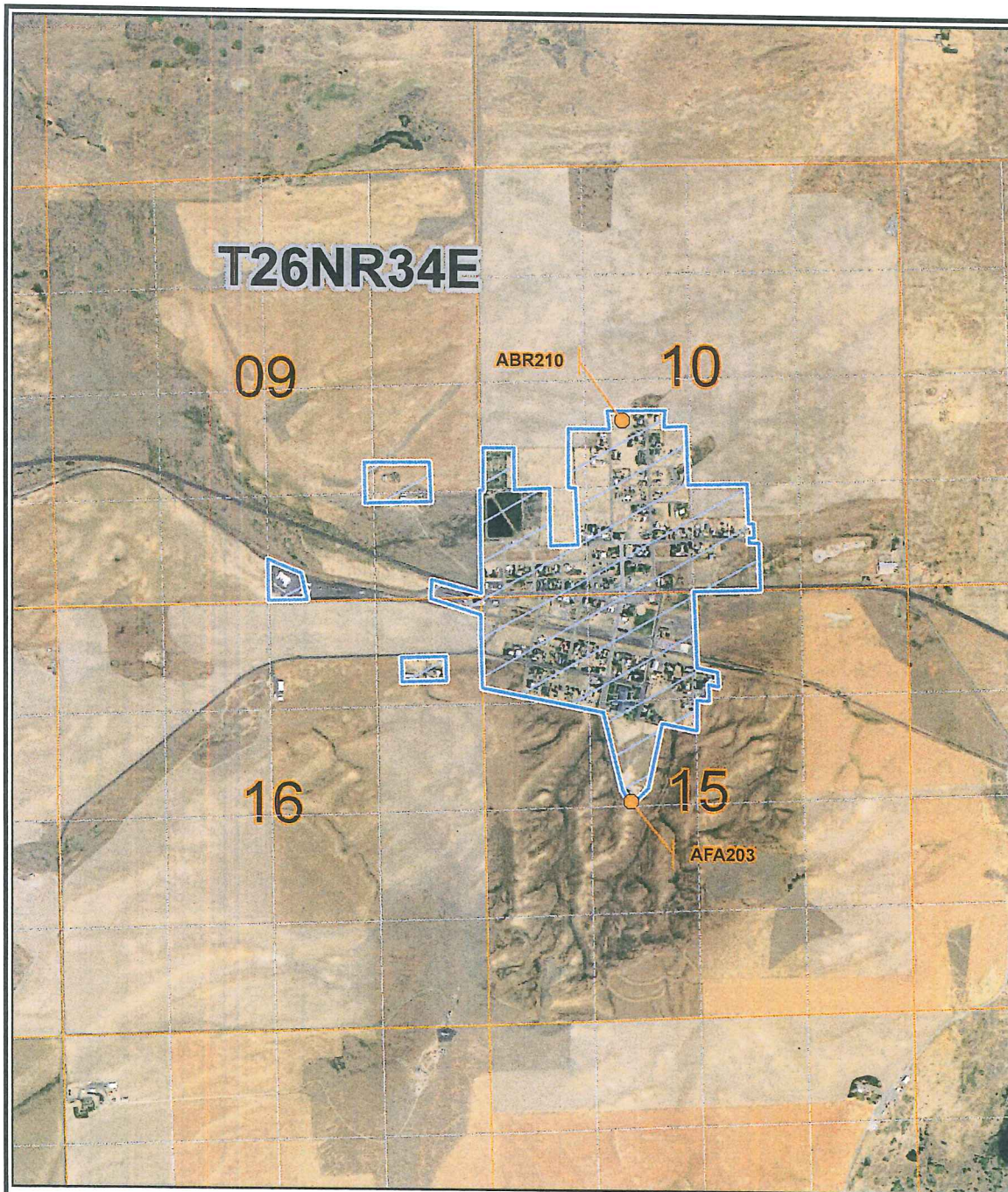
### Place of use:

Area served by the Town of Creston. The place of use (POU) of this water right is the Area Served by the Town of Creston described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

  
Kevin Brown, Report Writer

  
Date

*If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*



0 660 1,320 2,640 3,960 5,280 Feet

Basemap - (NAIP 2015 Air Photo)



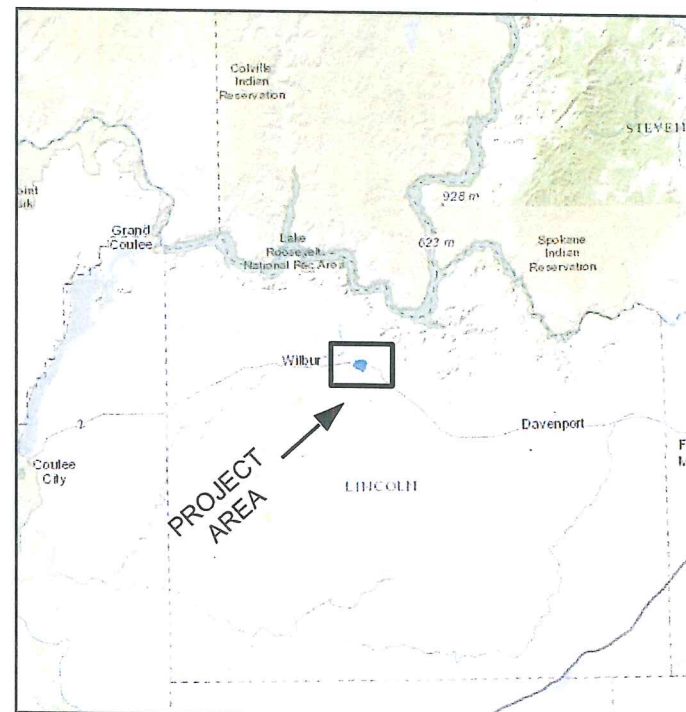
Map Date: 3/18/2016



**Comment:**

Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.

Town of Creston  
G3-30746  
T26N/R34E



Basemap - (ESRI US Topographic Maps)

**Legend**



Authorized Place of Use



Townships



Sections



Authorized Point of Withdrawal

(Source locations may vary in their accuracy and precision as stated within the body of the report.)